

Appl. No. 10/717,099
Atty. Docket No. 7346C
Amdt. dated May 31, 2005
Reply to Final Office Action of February 25, 2005
Customer No. 27752

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REMARKS

Claim 1 has been amended to more distinctly set forth the subject matter that Applicants consider to define the invention. Claim 8 has been cancelled. Claims 9 – 11 have been amended to alter the dependency of the claims from claim 8 to claim 1. Claim 12 has been amended to prevent a conflict with the amendment to Claim 1. Support for the amendments may be found in the specification and in the original claims. No new matter has been added. Claims 1-18 remain in this Application and are presented for the Examiner's review in light of the following remarks.

Rejections Under 35 U.S.C. §102

Claims 1-7, 12, and 13 have been finally rejected under 35 U.S.C. §102(b) over *Caggiano*, U.S. Patent No. 4,861,632. Previous arguments made with respect to the *Caggiano* reference remain in effect but will not be repeated for the sake of brevity. Applicants respectfully traverse this rejection and request reconsideration and withdrawal of the Examiner's 35 U.S.C. §103(a) rejection based upon the following additional comments:

Claim 1 has been amended to provide that the odor neutralizing composition of the claimed invention comprise cyclodextrin and a chelant. *Caggiano*, does not teach or suggest an odor neutralizing composition comprising cyclodextrin or a chelant.

Because the *Caggiano* reference does not disclose each and every element of Applicants' independent Claim 1, the *Caggiano* reference cannot anticipate Applicants' Claim 1 under 35 U.S.C. §102(b). Applicants therefore respectfully request withdrawal of the Examiner's 35 U.S.C. §102(b) rejection to Applicants' independent Claim 1 and all claims dependent thereupon.

The Office Action rejects claims 1-6 and 13 under 35 USC §102(b) as being anticipated by *Kannakeril* (US 4,927,010). Applicants respectfully traverse this rejection. *Kannakeril* fails to teach or suggest each of the limitations of the claimed invention. Specifically, *Kannakeril* fails to teach or suggest an odor neutralizing composition comprising cyclodextrin or a chelant.

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Therefore, the *Kannankeril* reference does not disclose each and every element of Applicants' claimed invention in order to maintain a rejection under 35 U.S.C. §102(b). Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. §102(b) to Applicants' Claim 1 and all claims dependent thereupon.

Rejections under 35 USC §103(a):

Claims 8-12 and 15-18 have been finally rejected under 35 U.S.C. §103(a) as being unpatentable over Caggiano (U.S. Patent No. 4,861,632) or Kannankeril (U.S. Patent No. 4,927,010) in view of Trinh, et al. (U.S. Patent No. 5,429,628). Applicants respectfully traverse this rejection and request the Examiner to consider the following remarks with regards to the instant rejection:

For a combination of reference to be proper under 35 USC §103(a) there must be some motivation to combine the teachings of the references inherent in the references or in the art. Applicants submit that the only motivation for combining the teachings of *Trinh* with those of either *Caggiano* or *Kannakeril* arises impermissibly from Applicants claimed invention. *Trinh* relates to odor control compositions for minimizing odor arising from body fluids. The problem resolved by *Trinh* is the reduction of odors arising from body fluids not the reduction of odors arising from a refuse container. The articles of *Trinh* are described as contacting and absorbing bodily fluids. The *Trinh* reference is silent as to the use of the odor control combinations in a container adapted to receive trash. The only motivation for this use of the chemistry comes from the instant application.

The cited combination is motivated only by the instant application and is therefore improper. The rejection under 35 USC §103(a) should be reconsidered and withdrawn.

Claim 14 has been finally rejected under 35 U.S.C. §103(a) as being unpatentable over Caggiano (U.S. Patent No. 4,861,632) or Kannankeril (U.S. Patent No. 4,927,010), in view of The Official Notice and Siklosi, et al. (U.S. Patent No. 6,759,006). Applicants respectfully traverse this rejection and request the Examiner to consider the following remarks with regards to this rejection:

Claim 14 depends from claim 1. As provided above, neither Caggiano nor Kannakeril teaches or suggests all of the claim limitations of the invention as provided in the amended claims. The addition of The Official Notice and *Siklosi* et al. does not cure the deficiency of

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either reference. *Siklosi* does not teach or suggest an odor absorbing composition comprising cyclodextrin and a chelant. The cited combination of references fails to teach or suggest each of the claimed limitations of the present invention. The rejection under 35 USC §103(a) is not properly supported and should be withdrawn.

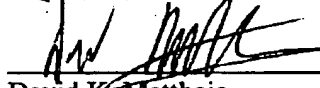
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-18.

Respectfully submitted,

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